

### **REMARKS**

With respect to paragraphs 1 and 2 of the subject Office Action, Applicants affirm their provisional election to prosecute the invention of species I, claims 1-7 and 12-16. This election is made with traverse in that Applicants respectfully submit that claims 1 and 12 are generic and allowable. With respect to paragraph 5 of the subject Office Action, wherein claims 3, 4, 6, 13 and 14 are rejected under 35 U.S.C. 112, Applicants agree that claims 3, 4, 6, 13 and 14 do not read on the elected species and thus, they should be withdrawn as indicated above. Applicants again make this election with traverse in that claims 1 and 12 are generic and allowable. Applicant respectfully submits that all claims are now proper under 35 U.S.C. 112.

In the subject Office Action, Claims 1, 2 and 12 have been rejected under 35 U.S.C. 102 as being anticipated by U.S. Patent No. 4,111,447 to Ishida. In addition, claims 1, 2, 5, 7, 12, 15 and 16 have been rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent Application Publication No. US 2004/0061304 to Lim. Claims 5 and 15 have also been rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida in view of U.S. Patent No. 6,152,473 to Shih.

In response to these rejections, independent claims 1 and 12 have been amended to more clearly recite that the rear bracket of the folding riding vehicle of the invention is attached to the rear frame element in a fixed fashion and that the rear bracket is pivotally attached to the front bracket independent of the rear frame element. Applicants respectfully submit that the arrangement of amended claims 1 and 12 is not disclosed, suggested or taught by the cited references.

As described by the Examiner in paragraph 7 of the Office Action, Ishida illustrates a front frame element at 2A' in Fig. 1 and a front bracket at 9 in Figs. 2-5. In addition, the

Examiner states that Ishida illustrates a rear frame element at 9Ea in Fig. 2 and a rear bracket 14 in Figs. 2-5. As illustrated in Figs. 2-4 of Ishida, the rear bracket 14 is pivotally connected to the rear frame element 9Ea via pivot pin 17a. As a result, the rear bracket is not attached to the rear frame element in a fixed fashion as recited by amended claims 1 and 12. Furthermore, the rear bracket 14 is pivotally attached to the front bracket 9 through the rear frame element 9Ea and pivot pin 17A. This is in contrast to amended claims 1 and 12, each of which recites that the rear bracket is pivotally attached to the front bracket independent of the rear frame element.

The differences of the above paragraph cause the bicycle of Ishida to fold in a manner significantly different from the folding riding vehicle of amended claims 1 and 12. More specifically, the pivoting connection between the rear bracket and rear frame element of Ishida, which is also the pivoting connection between the front and rear brackets 9 and 14, causes the front and rear brackets 9 and 14 to pivot about an axis that is near the rear-most portion of the bicycle frame (near the hub of the back wheel). As a result, additional pivoting supports (3, 4A and 4B in Fig. 4) are required at the front-most portion of the bicycle frame (near the handlebars) to provide sufficient structural support when the bicycle is unfolded and in the riding configuration.

In contrast, attaching the rear frame element to the rear bracket in a fixed fashion and pivotally connecting the front and rear brackets independent of the rear frame element, as recited in amended claims 1 and 12, permits the riding vehicle to be folded about an axis nearer to the middle of the vehicle. This simplifies the design and construction of the frame of the folding riding vehicle of amended claims 1 and 12 considerably in comparison with the frame of Ishida.

In paragraph 8 of the subject Office Action, the Examiner states that Lim shows a foldable tricycle with a front frame element and front bracket, illustrated at 62 and 12,

respectively, in Fig. 5. The Examiner states that Lim also shows a rear frame element and a rear bracket illustrated at 14 and 32, respectively, in Fig. 5. The rear frame element 14 of Lim, however is pivotally attached to the rear bracket 32 via pin 40, as illustrated in Figs. 5 and 6. As a result, Lim does not disclose a folding riding vehicle where the rear frame element is attached to the rear bracket in a fixed fashion, as recited by amended claims 1 and 12. Due to this difference, the frame of Lim folds in two places (at pivot point 38 and pivot point 40) between the front and rear wheels while the frame of amended claims 1 and 12 only fold in one place (at the pivoting connection between the front and rear brackets). As a result, the frame of the folding riding vehicle of claims 1 and 12 is less complex and stronger than the frame of Lim.

As a result, Applicants respectfully submit that amended independent claims 1 and 12, and the claims which are dependent thereon, are patentable over the cited references.

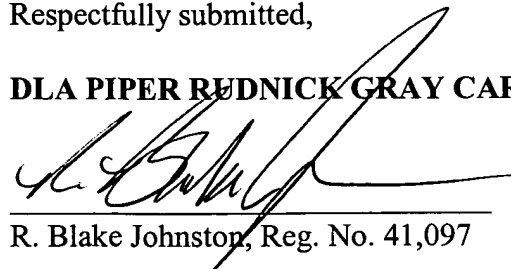
In addition to the amendments to independent claims 1 and 12, dependent claims 21-28 have been added by the present Amendment. Claim 21 recites that the seat bracket features a pair of side plates that straddle the front bracket. Claim 22, from which claims 23-27 depend, recites that the front bracket features a pair of spaced side plates with the front frame element secured there between. Claim 28 recites that the rear bracket features a pair of side plates with the rear frame element secured there between. Applicants respectfully submit that none of these elements are disclosed, suggested or taught by the cited references. As a result, Applicants respectfully submit that newly added claims 21-28 are further distinguishable from the cited references.

In view of the foregoing amendments and remarks, it is believed that the application is in condition for allowance and such action is respectfully requested. If the Examiner believes that

a telephone conference would advance the prosecution of the case, it is requested that the undersigned attorney be telephoned for that purpose.

Respectfully submitted,

**DLA PIPER RUDNICK GRAY CARY US LLP**

A handwritten signature in black ink, appearing to read 'R. Blake Johnston', is written over a horizontal line.

R. Blake Johnston, Reg. No. 41,097

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